WAKE COUNTY	IN THE GENERAL COURTS OF JUSTIC SUPERIOR COURT DIVISION	CE
NORTH CAROLINA	2012 JUN 13 PM 1:23	
THE NORTH CAROLIN PETITION	WAKE COUNTY, O.S.C. A STATE BAR,) ER,)	
v.) CONSENT ORDER OF) PRELIMINARY INJUNCTION	

THIS MATTER came on to be heard and was heard by the undersigned Judge of Superior Court of Wake County on motion of Petitioner, the North Carolina State Bar. Petitioner was represented by Katherine E. Jean. Respondent, Christopher G. Harper was not represented by counsel. Based upon the consent of the parties, the Court makes the following:

FINDINGS OF FACT

- 1. Christopher G. Harper was licensed to practice law in North Carolina on August 23, 1991.
- 2. As of the date of this petition, Harper's last known address of record on file with the North Carolina State Bar is 315 E. Chapel Hill Street, Suite 311, Durham, North Carolina 27701.
- 3. The State Bar's preliminary investigation indicates that Harper has mishandled funds that were delivered to him in trust and which should have been deposited into his trust account but were not deposited into his trust account.
 - 4. Harper desires to cooperate with the State Bar.

CHRISTOPHER G. HARPER,

RESPONDENT.

5. A need for prompt action exists to ensure that entrusted funds are not mishandled in the future.

Based upon the foregoing Findings of Fact, the Court makes the following

CONCLUSIONS OF LAW

1. Prompt action, pursuant to N.C. Gen. Stat. 84-28(f), is necessary to preserve the status quo while the State Bar conducts an analysis of Harper's trust, operating and personal bank accounts and to ensure that client funds are not mishandled.

- 2. Harper should be enjoined from accepting any further funds from or on behalf of clients or other individuals in a fiduciary capacity, from writing checks against any account in which client or fiduciary funds have been deposited, and from directing or permitting any employee or agent to withdraw funds from and/or to draw any checks or other instruments upon any account in which client or fiduciary funds have been deposited until and unless expressly permitted by subsequent orders of the Court.
- 3. To assist the State Bar's analysis of his trust, operating and personal bank accounts, Harper should provide the State Bar with records of all accounts in which client or fiduciary funds have been deposited and with all client files requested by the State Bar as set forth below.
- 4. To assist the State Bar's analysis of his trust accounts, Harper should provide the State Bar with the reconciliation reports required to be prepared and maintained pursuant to Rule 1.15-3(d) of the Rules of Professional Conduct.

THEREFORE, IT IS HEREBY ORDERED:

- 1. Harper is enjoined from accepting or receiving any funds from clients or third parties in a fiduciary capacity, from withdrawing any funds from and/or drawing any checks or other instruments against any account in which client or fiduciary funds have been deposited and from directing or permitting any employee or agent to withdraw funds from and/or to draw any checks or other instruments upon any account in which client or fiduciary funds have been deposited until and unless expressly permitted by subsequent orders of the Court.
- 2. Harper or any other person having custody or control of records relating to any account into which client or fiduciary funds have been deposited shall immediately produce to the North Carolina State Bar for inspection and copying all of Harper's financial records relating to any account into which client or fiduciary funds have been deposited, including, but not limited to bank statements, canceled checks, deposit slips, client ledger cards, check stubs, debit memos and any other records relating to the receipt and disbursement of client and/or fiduciary funds.
- 3. Harper or any other person having custody or control over records relating to persons or entities for whom Harper has provided legal services shall produce to the North Carolina State Bar for inspection and copying all records and documents relating to each such person or entity including but not limited to client files, billing statements, memoranda and receipts. Documents relating to current clients shall be produced within 24 hours of demand by the State Bar. Documents relating to closed client files shall be produced within 3 days of demand by the State Bar.
- 4. If Harper does not have possession of the minimum records required to be maintained regarding trust and fiduciary funds pursuant to Rule 1.15-3 of the Rules of Professional Conduct and/or does not have possession of personal bank account records for any personal accounts into which client or fiduciary funds were deposited, he shall

direct the bank(s) where his bank account(s) are maintained, within 10 days of the date of this order, to copy and transmit any such missing records directly to the North Carolina State Bar at Harper's expense.

- 5. Harper shall immediately produce to the North Carolina State Bar at its Raleigh, North Carolina location the monthly and quarterly reconciliation reports for any and all trust accounts that he is required to produce and maintain pursuant to Rule 1.15-3(d) of the Rules of Professional Conduct. If Harper has not prepared such reports as required by Rule 1.15-3(d), he s is hereby ordered to conduct the monthly and quarterly reconciliations required by Rule 1.15-3(d) of the Rules of Professional Conduct for the time period required under the Rules of Professional Conduct, or a lesser period if so specified by the State Bar, and produce the reports to the State Bar within two weeks of the date of this order or by the deadline set by the State Bar, whichever is later.
- 6. Harper shall not serve in any fiduciary capacity, including trustee, escrow agent, personal representative, executor or attorney-in-fact until and unless he is permitted to do so by order of this Court.
- 7. This Consent Order of Preliminary Injunction shall remain in effect until further order of this Court.

THIS the 13 day of JUNE

1/0/

Superior Court Judge Presiding

WE CONSENT:

Christopher G. Hatper

Respondent

Katherine E. Jean

Attorney for Petitioner

The North Carolina State Bar